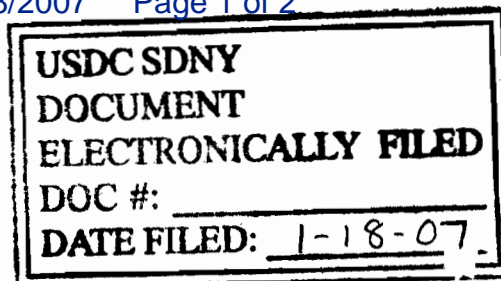


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January 16, 2006

MEMO ENDORSED

Hon. Leonard B. Sand
 United States District Judge
 Daniel Patrick Moynihan
 United States Courthouse
 500 Pearl Street, Room 1650
 New York, New York 10007

Re: Massivemedia, Inc. v. National Media Services, Inc., Eric
 Drucker, and James P. Freeley
 Case No. 06-cv- 8152 (LBS)(AJP)

Dear Judge Sand:

I am counsel to Massivemedia, Inc., the plaintiff in the above action. At the initial conference in this action, Your Honor suggested that the attorneys for the parties explore settlement among themselves before embarking on formal discovery and trial preparation. We have exchanged preliminary information concerning this action, and have discussed settlement possibilities. We regret to inform you that we do not believe that the action can be settled at this time. I submit this letter with the approval of all counsel in this action.

Counsel do not believe that prosecution or defense of this action will raise any unusual issues requiring departure from the Court's preferred timetable for civil actions. However, I am scheduled to have hip surgery on January 27, 2007, and am informed by my physician that I will probably not be able to return to work for approximately one month following the surgery. The parties submit their proposed discovery schedule.

	Proposed dates
Motion to amend or to join additional parties to be filed no later than	1/26/07
Initial disclosures pursuant to Rule 26(a)(1) to be filed no later than	1/26/07
All fact discovery to be completed no later than	7/13/07
Initial requests for production of documents to be served no later than	3/16/07
Initial interrogatories to be served no later than	3/16/07
Depositions to be completed no later than	7/13/07
Initial requests to admit to be served no later than	5/4/07

MEMO ENDORSED

Hon. Leonard B. Sand

January 16, 2007

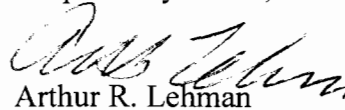
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ARTHUR R. LEHMAN L.L.C.



Expert reports on issues for which the party bears the burden of proof due by	6/15/07
Opposition expert reports due by	7/16/07
Reply expert reports due by	8/6/07
All expert discovery to be completed no later than (including expert depositions)	9/28/07
Motion for summary judgment due by	11/16/07
Pre-trial submissions	2/19/08
Trial	3/3/08

We thank Your Honor for your attention to this matter.

Respectfully Yours,


Arthur R. Lehman

cc: David P. Badanes, Esq. by fax
(Counsel to National Media Services, Inc. and Eric Drucker)
Stephen D. Hans, Esq. by fax
(Counsel to James P. Freeley)



1/17/07

MEMO ENDORSED